HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 25390 of 2007

Dated: 29-11-2007

Between:

Goluguri Surreddy and 5 others.

..... PETITIC

AND

The District Collector,
East Godavari District,
Kakinada and 3 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 25390 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare notification dated 26-06-2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), whereunder the lands of the petitioners were sought to be acquired for providing house sites to poor people, as illegal and arbitrary.

Heard Sri K.Venkatesh, learned counsel for the petitioners.

In the affidavit filed in support of the writ petition, the petitioners categorically averred that after the initiation of land acquisition proceedings by issuing notification dated 30-06-2004 under Section 4(1) of the Act, the petitioners were given notices to file their objections for being considered in the enquiry under Section 5A of the Act and that all the petitioners have sent their objections on 17-07-2007 through registered post which were received by respondent No.2 on 20-07-2007. The petitioners further stated that the objections filed by them are yet to be disposed of and that so far no decision has been taken on the proposals for acquisition.

In the face of the petitioners' admission that no decision has yet been taken by respondents on the objections filed by them, I do not see any reason for the petitioners to approach this Court at this stage. As and when the respondents take a final decision and if the petitioners are aggrieved by such a decision, they are at liberty to avail appropriate remedy at that stage. I am, therefore, not inclined to interfere with the acquisition proceedings at this stage as the writ petition is premature. Except making a statement in the affidavit that the petitioners were asked not to cultivate the lands, no material is produced in support the said averment. At any rate, until a final decision is taken and procedure as envisaged under the provisions of the Act is followed, the respondents cannot interfere with the possession of the petitioners.

Subject to the above, the writ petition is dismissed.

C.V.NAGARJUNA REDDY,J

Date: 29-11-2007
KLP